IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 69 of 2007

BHOMA RAM

V/S

APPL.RENT TRIBUNAL(D.J.),SGNR. & ORS.

Mr. RK SINGHAL, for the appellant / petitioner

Date of Order : 9.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Perused the impugned order. Both the learned Tribunals have clearly found that the monthly rent of the premises is Rs. 2500/-, and that the petitioner is a defaulter. The learned Appellate Tribunal has also found reasonable and bonafide necessity of the plaintiff to be proved.

In my view, the findings are not vitiated on any of the grounds available in my writ jurisdiction. The writ petition is, therefore, dismissed summarily.

However, at the request of the learned counsel for the petitioner, the petitioner is given one year's time to vacate the suit premises on the condition that the

defendant gives an undertaking before the learned trial court within one month from today that on or before the expiry of the above period, he will peacefully hand over the vacant possession of the suit premises to the plaintiff and that during this period, he will not, in any manner, transfer the possession of the suit premises to anybody. Likewise, the entire decretal amount, so also all arrears of rent, if any, shall be deposited by the petitioner in the trial court within one month from today and shall further continue to deposit amount equal to the monthly rent by way of damages for use and occupation by 15th of each succeeding month, till the actual delivery of possession. In case the petitioner fails to comply with any of the above conditions, the respondent will become automatically entitled to execute the decree forthwith.

(N P GUPTA),J.

/Sushil/